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**UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

C.A.,
c/o Edelstein Law, LLP
230 S. Broad Street, Suite 900
Philadelphia, PA 19102

Plaintiff

No. _____

v.

VILLANOVA UNIVERSITY,
800 Lancaster Avenue
Villanova, PA 19085
and
COLLEGE HALL, ASSOCIATES, L.P.,
d/b/a COLLEGE HALL
APARTMENTS, a/k/a “THE COURTS”
101 Mill Creek Road
Ardmore, PA 19003
and
COLLEGE HALL, G.P.,
d/b/a COLLEGE HALL
APARTMENTS, a/k/a “THE COURTS”
101 Mill Creek Road
Ardmore, PA 19003
and
MARKS & COMPANY USA, INC.,
d/b/a MARKS & COMPANY
101 Mill Creek Road
Ardmore, PA 19003
and
ELIJAH JOSPEH KATZNELL
12606 Granite Rock Road
Clarksburg, MD 20871
and
JUAN EGUIGUREN
Villanova University
800 Lancaster Avenue
Villanova, PA 19085

and
ANDREW POLUN
6 Timberpark Court
Luther-Timonium, MD 21093

Defendants

NOTICE OF REMOVAL

Defendant Villanova University (the “University”) hereby files this Notice of Removal pursuant to 28 U.S.C. §§ 1332 and 1441, *et seq.* The grounds for removal are as follows:

1. Plaintiff commenced this action against the University and multiple other defendants, as noted in the caption, by filing a civil action complaint on August 22, 2024 in the Court of Common Pleas of Philadelphia County, Pennsylvania. That matter is captioned at Case ID. No. 240802790, and a copy of the Complaint (“Complaint”) is attached to this Notice as

Exhibit A.

2. As pled in the Complaint, Plaintiff is a citizen and resident of Virginia. Complaint, ¶ 1.

3. The University is a private university nonprofit corporation organized under the laws of the Commonwealth of Pennsylvania with a principal place of business in Villanova, Pennsylvania. Complaint, ¶ 3.

4. Defendant College Hall Associates, L.P. is pled to be a Pennsylvania corporation with a principal place of business in Ardmore, Pennsylvania. Complaint, ¶ 4.

5. Defendant College Hall G.P. is pled to be a Pennsylvania corporation with a principal place of business in Ardmore, Pennsylvania. Complaint, ¶ 5.

6. Defendant Marks & Company USA, Inc. is pled to be a Pennsylvania corporation with a principal place of business in Ardmore, Pennsylvania. Complaint, ¶ 8.

7. Defendant Elijah Joseph Katzenell is pled to be a citizen and resident of the State of Maryland. Complaint, ¶ 10.

8. Defendant Juan Eguiguren is pled to be a citizen of the country of Ecuador who is currently residing in Pennsylvania. Complaint, ¶ 11.

9. Defendant Andrew Polun is pled to be a citizen and resident of the State of Maryland. Complaint, ¶ 12.

10. On the face of the Complaint, then, Plaintiff is a citizen of a different state than the Defendants.

11. Plaintiff for some reason does not plead a specific amount in controversy in the Complaint. Given the subject matter of the Complaint, and the demands in the WHEREFORE clauses of the Complaint for “compensatory damages, punitive damages, costs, and damages for pre-judgment delay” against seven different defendants, the only reasonable interpretation of the Complaint is that Plaintiff is seeking more than \$75,000 in damages, and therefore more than \$75,000 is in controversy.

12. As this is a civil action between citizens of different states, and the amount in controversy exceeds \$75,000, this Court has original jurisdiction over the matter based on diversity of citizenship. 28 U.S.C. § 1332.

13. Under 28 U.S.C. § 1441, “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

14. Pursuant to 28 U.S.C. § 1441, “[a] civil action otherwise removable solely on the basis of [diversity jurisdiction] may not be removed if any of the parties in interest *properly joined*

and served as defendants is a citizen of the State in which such action is brought.” 28 U.S.C. §1441(b)(2) (emphasis added).

15. The Complaint has not been served on the University or any other party. A copy of the docket from the state court proceedings in this matter as of the time of the filing of this Notice is attached as **Exhibit B**.

16. As a result, the provisions of 28 U.S.C. § 1441(b)(2), commonly referred to as “the forum defendant rule,” are inapplicable to the instant matter. The University, although a Pennsylvania citizen, has not been “properly joined *and served*” in the state court action. *See* 28 U.S.C. § 1441(b)(2); Encompass Ins. Co. v. Stone Mansion Restaurant Inc., 902 F.3d 247, 153-54 (3d Cir. 2018) (holding that removal to federal court was appropriate where defendant’s notice of removal was filed prior to accepting service in the state court action). There is no indication that any other Defendant has been served.

17. This Notice of Removal is being filed within thirty (30) days of the filing of the Complaint and within one year of the commencement of the action, and therefore is also timely under 28 U.S.C. § 1446(b).

18. A true and correct copy of this Notice will be promptly filed with the Court of Common Pleas of Philadelphia County, pursuant to 28 U.S.C. § 1446(d).

19. Finally, a copy of this Notice is being promptly served on Plaintiff, pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, pursuant to 28 U.S.C. §§ 1332 and 1441 *et seq.*, Defendant Villanova University respectfully requests that Plaintiff's civil action be removed from the Court of Common Pleas of Philadelphia County to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

James A. Keller
SAUL EWING LLP
1500 Market Street
38th Floor West
Philadelphia, PA 19102
James.Keller@saul.com
215-972-1964

Dated: August 23, 2024

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Removal was served today on the following via electronic mail and first class mail, postage prepaid, addressed as follows:

Jay L. Edelstein Esq.
Edelstein Law, L.L.P.
230 South Broad Street, Suite 900
Philadelphia, PA 19102
jedelstein@edelsteinlaw.com

Dated: August 23, 2024

James A. Keller
James A. Keller